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2 THE HONORABLE THOMAS S. ZILLY
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 EDWARD MELLER, as Personal)
10 Representative of the Estate of VITALY)
11 MELLER, and EDWARD MELLER,) Case No. 2:15-cv-01487 TSZ
12 Individually,)
13 Plaintiff,) **PLAINTIFF'S RULE 26(A)(1)**
14 v.) **INITIAL DISCLOSURES**
15)
16 EXTENDICARE HOMES, INC., a Delaware)
17 corporation, d/b/a PUGET SOUND)
18 HEALTHCARE CENTER; EXTENDICARE)
19 HEALTH FACILITY HOLDINGS, LLC., a)
20 Delaware corporation; EXTENDICARE)
21 HEALTH SERVICES, LLC, a Delaware)
22 corporation; PUGET SOUND RE LLC, a)
23 Wisconsin corporation; and "JOHN DOE")
24 CORPORATIONS I-V; Jointly and severally,)
25)
26 Defendants.)

)

Plaintiff hereby makes the following Initial Disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure. These disclosures are based on information reasonably available to Plaintiff as of the date hereof. By making these initial disclosures, Plaintiff does not waive, but expressly preserves, any and all objections including but not limited to any claims of privilege and/or work product protection. Plaintiff further reserves the right to supplement these disclosures as this litigation proceeds including his right to modify any statements contained herein. Moreover, by identifying documents or witnesses relating to

PLAINTIFF'S RULE 26
INITIAL DISCLOSURES - 1
Case No. 2:15-cv-01487 TSZ

GRAHAM LUNDBERG PESCHEL, P.S., INC.
ATTORNEYS AT LAW
2601 FOURTH AVENUE, FLOOR 6
SEATTLE, WASHINGTON 98121
(206) 448-1992
FACSIMILE (206) 448-4640

1 Defendant's defenses, Plaintiff does not concede the basis of any claimed defense or the
2 relevance of any documents or witnesses to these claims.

3 Given the information currently known to Plaintiff, and without waiving any
4 objections as to the privilege or admissibility at trial of information known by Plaintiff, and
5 expressly reserving the right to rely on additional witnesses as further information becomes
6 available, the following individuals are likely to have discoverable information that Plaintiff
7 may use to support his claims.

8 **I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION**

9 The following is a list of individuals, along with their addresses, phones numbers, and
10 the information that they may possess relating to the Defendants' negligence as specified in
11 Plaintiff's Complaint in this matter.

12 **A. Edward Meller**
13 c/o Graham Lundberg Peschel, P.S., Inc.
14 2601 Fourth Avenue, Floor 6
15 Seattle, WA 98121
16 (206) 448-1992

17 Plaintiff Edward Meller has knowledge of the events and circumstances of his father Vitaly
18 Meller's injuries, physical and emotional, pain and suffering, limitations, disability and the
19 effect on his father Vitaly Meller's day to day life, and damages, which are the subject of this
20 lawsuit.

21 **B. Family members and friends of Plaintiff** have knowledge of Plaintiff's complaints
22 and limitations, events and circumstances of deceased Vitaly Meller's injuries, physical and
23 emotional, and how they have affected Plaintiff Edward Meller's day to day life, based on
24 their personal observations of Plaintiff both prior to and subsequent to the death of his father
25 Vitaly Meller.

26 Batia Meller
27 c/o Graham Lundberg Peschel, P.S., Inc.
28 2601 Fourth Avenue, Floor 6
29 Seattle, WA 98121
30 (206) 448-1992

1 **C. Possible Expert Witnesses:**

2 1. Mark Steven Lachs, M.D., M.P.H.
3 525 East 68th St., Room F-1401
4 New York, NY 10021
5 (212) 746-1677

6 Dr. Lachs is an expert in geriatrics and gerontology. Dr. Lachs will testify as to the nursing
7 home's liability, medical causation and medical damages. As a geriatrician, Dr. Lachs will
8 testify as to the palliative care which would have been available to Vitaly Meller.
9 Additionally, Dr. Lachs will opine in the area of abuse and neglect related to Vitaly Meller,
10 as well as the nursing home's intentional disregard for Vitaly Meller. Dr. Lachs is expected
11 to respond to Defendant's experts, if any. Dr. Lachs opinions and other disclosure
12 information as required by FRCP 26(a) will be supplemented as allowed pursuant to FRCP
13 26(a)(2)(B).

14 **D. All medical personnel identified in medical records** provided by Plaintiff as having
15 participated in the care and documentation of the examination and treatment of deceased
16 Edward Meller may have information as to the nature and extent of injuries and the
17 examination, testing, diagnoses, treatment, and resulting death relative to those injuries, and
18 may have opinions as to causal relationships between the casualty and medical conditions
19 noted. The following health care providers have knowledge of deceased Edward Meller's
20 medical history, mechanism of injury, diagnosis, prognosis, causation of injuries, past
21 medical treatment, the effect the injuries had on deceased Vitaly Meller's day to day life,
22 observations regarding deceased Vitaly Meller's pain, suffering, and discomfort and such
23 other facts as deemed relevant by the trial judge.

24 1. Ngozi Achebe, M.D.
25 Capital Medical Center
26 3900 Capital Mall Dr. SW
27 360-754-5858

28 2. Shayna Adamy, Nursing Assistant
29 c/o Charles Huber
30 Lane Powell
31 1420 Fifth Avenue, Suite 4200
32 Seattle, WA 98111
33 206-223-7000

- 1 3. Kirk Dawson, M.D.
2 c/o Charles Huber
3 Lane Powell
4 1420 Fifth Avenue, Suite 4200
5 Seattle, WA 98111
6 206-223-7000
- 7 4. James S. Edstam, M.D.
8 St. Peter Hospital
9 700 Lilly Rd. NE
10 Olympia, WA 98506
11 360-923-7000
- 12 5. Crystal L. Faur, Nursing Assistant
13 c/o Charles Huber
14 Lane Powell
15 1420 Fifth Avenue, Suite 4200
16 Seattle, WA 98111
17 206-223-7000
- 18 6. Robert J. Hehn, M.D.
19 Providence Urology Clinic
20 1800 Cooks Hill Rd., Suite F
21 Centralia, WA 98531
22 360-827-6700
- 23 7. Katherine Hogg, M.D.
24 Providence Health & Services
25 500 Lilly Rd. NE, Suite 110
26 Olympia, WA 98605
27 360-493-7436
- 28 8. Nicole Kinread, Nursing Assistant
29 c/o Charles Huber
30 Lane Powell
31 1420 Fifth Avenue, Suite 4200
32 Seattle, WA 98111
33 206-223-7000

- 1 9. Allison H. Paquette, RN
2 c/o Charles Huber
3 Lane Powell
4 1420 Fifth Avenue, Suite 4200
5 Seattle, WA 98111
6 206-223-7000
- 7 10. Lorena Robertson, Medical Records Director
8 c/o Charles Huber
9 Lane Powell
10 1420 Fifth Avenue, Suite 4200
11 Seattle, WA 98111
12 206-223-7000
- 13 11. Karen L. Semones, M.D.
14 Group Health
15 700 Lilly Rd. NE
16 Olympia, WA 98506
17 360-923-7500
- 18 12. Angela M. Shipley, LPN
19 c/o Charles Huber
20 Lane Powell
21 1420 Fifth Avenue, Suite 4200
22 Seattle, WA 98111
23 206-223-7000

24 **II. DOCUMENTS IN THE POSSESSION, CUSTODY, OR CONTROL OF**
25 **PLAINTIFF THAT PLAINTIFF MAY USE TO SUPPORT HIS CLAIMS**

26 The following documents are attached separately on compact disc. Plaintiff expressly
27 reserves the right to supplement this list and rely on additional documents as further
28 information becomes available to him throughout this litigation.

- 29 A. Puget Sound Health Care medical records
- 30 B. Puget Sound Health Care billing records
- 31 C. Capital Medical Center medical records
- 32 D. Providence St. Peter medical records
- 33 E. Providence St. Peter autopsy report

1 F. Providence Urology Clinic medical records
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3 **III. DAMAGES**

4 A. Estate Survival Claims (pre death Pain and Suffering) \$ 500,000.00
5 B. Vulnerable Adult claims RCW 74.34 \$ 500,000.00
6 C. Attorney's fees/experts costs \$ 1,250,000.00
7 **Total: \$2,250,000.00**

8 DATED: 12/11/15
9

10 GRAHAM LUNDBERG PESCHEL, P.S., INC.

11 /s/ James Gooding
12 James Gooding, WSBA# 23833
13 Attorney for Plaintiff
14 jgooding@glpattorneys.com

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PLAINTIFF'S RULE 26
INITIAL DISCLOSURES - 6
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of December, 2015, I caused a true and correct copy of the foregoing ***Plaintiff's Initial Disclosures Pursuant to FRCP 26(a)(1)*** to be delivered, with all required charges prepaid, by the method(s) indicated below, to the following person(s):

Charles Huber
Lane Powell
1420 Fifth Avenue, Suite 4200
Seattle, WA 98111
206-223-7000
Attorney for Defendant

| | |
|-------------------------------------|------------------|
| | U.S. MAIL |
| | LEGAL MESSENGER |
| <input checked="" type="checkbox"/> | EMAIL |
| | HAND DELIVERED |
| | EXPRESS DELIVERY |
| | FACSIMILE |
| <input checked="" type="checkbox"/> | E-SERVED |

/s/ Eve Rashby
Eve Rashby, Paralegal

PLAINTIFF'S RULE 26
INITIAL DISCLOSURES - 7
Case No. 2:15-cv-01487 TSZ

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